



U.S. Department
of Transportation

Research and
Special Programs
Administration

400 Seventh Street, S.W.
Washington, D.C. 20590

APR - 6 2004

DOT-E 13292

EXPIRATION DATE: February 28, 2006

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Seaquist Perfect Dispensing
Cary, IL
2. PURPOSE AND LIMITATIONS:
 - a. This exemption authorizes the manufacture, mark, sale and use of non-DOT specification, non-refillable plastic containers for the transportation in commerce of a Division 2.2 gas and a non-hazardous material. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.306(a) in that a plastic non-DOT specification, non-refillable container is not authorized; 173.306(a)(3)(v) in that each container is not subject to the hot water bath test.
5. BASIS: This exemption is based on the application of Seaquist Perfect Dispensing dated August 22, 2003 and additional information dated February 17, 2004 submitted in accordance with § 107.105 and the public proceeding thereon.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Material Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Consumer commodity	ORM-D	None	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packaging prescribed is a non-DOT specification, non-refillable, plastic container as described in Seaquist Perfect Dispensing's application for exemption on file with the Office of Hazardous Materials Exemptions and Approvals (OHMEA) and as prescribed below.

(1) Type and size - The total volumetric capacity of the container may not exceed 20 fluid ounces.

(2) Material - The container must be of Polyethylene terephthalate (PET), Polyethylene Napthalate (PEN), Polyamide (Nylon), or a blend containing some combination of PET, PEN, Ethylene Vinyl Alcohol (EVOH), and Nylon.

(3) Manufacture - All containers must comply with British Standard BS 5597: 1991 Specification for Non-refillable Plastic Aerosol Dispensers up to 1000ml capacity.

(4) Manufacture - Each container must be manufactured by thermoplastic processes that will assure uniformity of the completed container. No used material other than production residues or regrind from the same manufacturing process may be used.

b. TESTING -

(1) One completed container out of every lot produced must be pressure tested to destruction and may not burst below 210 psig. The tested container must be complete with the ends assembled. If the test container fails the burst test, the lot must be rejected; however, an additional five randomly selected containers may be burst tested to qualify that lot.

If any of the additional test containers fail the burst test, that lot must be rejected.

(2) Each 1,000 containers or less, successively produced as a batch or part thereof, must constitute a lot. All containers constituting a lot must be of like material, size, design, construction, finish, and quality.

c. MARKING - Each plastic container must be marked "DOT-E 13292" as specified in § 172.301(c).

d. OPERATIONAL CONTROLS -

- (1) The container may not be liquid full at any temperature up to and including 130°F.
- (2) The pressure in the container may not exceed 150 psig at 130°F.
- (3) Filling verification test - One container out of each lot of containers filled for shipment must be heated until the pressure in the container is equivalent to the equilibrium pressure of the contents at 130° F without evidence of leakage, distortion, or other defect. If the pressure of the test container exceeds 150 psig or the test container shows evidence of leakage, distortion, or other defect, the lot must be rejected; however, an additional 5 randomly selected containers from that lot may be tested to qualify that lot. If any of the additional test containers fail the burst test, the entire lot must be rejected.
- (4) Each container must be packed in strong outside packagings as prescribed in § 173.306(a)(3)(iv), meeting the requirements of § 173.25.
- (5) Packages shipped by cargo aircraft only must comply with the provisions in § 173.27.
- (6) Each outside packaging must be marked "INSIDE CONTAINERS CONFORM WITH DOT-E 13292".
- (7) Each package may not exceed 30 kilograms (66 pounds) gross weight.

8. SPECIAL PROVISIONS:

a. Test data obtained under paragraph 7.b. of this exemption, must be kept on file and be made available upon request by the OHMEA. Additionally, the following information must be submitted to OHMEA:

- (1) Burst test results for the first 20 lots tested under paragraph 7.b. of this exemption.
- (2) Lading temperature and pressure data for the first 20 lots to verify that the pressure in the container is equivalent to the equilibrium pressure of the contents at 130°F without evidence of leakage, distortion, or other defect and that the pressure in the container does not exceed 150 psig at 130°F as specified in paragraphs 7.c.(1), 7.c.(2), and 7.c.(3) of this exemption.

b. In accordance with the provisions of Paragraph (b) of § 173.22a, persons may use the packaging authorized by this exemption for the transportation of the hazardous materials specified in paragraph 6, only in conformance with the terms of this exemption.

c. A person who is not a holder of this exemption, but receives a package covered by this exemption, may reoffer it for transportation provided no modification or change is made to the package or its contents and it is offered for transportation in conformance with this exemption and the HMR.

d. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

e. Each packaging manufactured under the authority of this exemption must be either (1) marked with the name of the manufacturer and location (city and state) of the facility at which it is manufactured or (2) marked with a registration symbol designated by the Office of Hazardous Materials Exemptions and Approvals for a specific manufacturing facility.

f. A current copy of this exemption must be maintained at each facility where the package is manufactured under this exemption. It must be made available to a DOT representative upon request.

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9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, and cargo aircraft only.
10. MODAL REQUIREMENTS: A current copy of this exemption must be carried aboard each cargo vessel, aircraft used to transport packages covered by this exemption. The shipper must furnish a copy of this exemption to the air carrier before or at the time the shipment is tendered.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq.
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Persons operating under the terms of this exemption must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
 - o Registration required by § 107.601 et seq., when applicable.

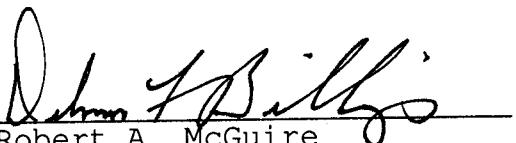
Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.)

In addition, the holder(s) of this exemption must also inform the AAHMS, in writing, as soon as practicable of any incidents involving the package and shipments made under this exemption.

Issued in Washington, D.C.:

for 
Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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Date

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: WEST FREEMAN